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STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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FAX Number (206) 586-3676 SCAN 321-3676

August 26, 1994

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The Honorable Reed E. Hundt
Chair, Federal Communications Commission
1919 M Street Northwest
Washington, D.C. 20554

Dear Chair Hundt:

RE: CC Docket No. 92-77 Billed Party Preference

Please consider this letter as a reply to comments in the Further Notice of Rulemaking, CC Docket No. 92-77.

IDAHO PUBLIC UTILITIES COMMISSION COMMENTS

In response to the comments by the state of Idaho Public Utilities Commission, the Department strongly disagrees that offender telephone services are not competitive. Our agency is inundated with information by companies providing offender telephone services. This includes local-serving telephone companies as well as long-distance carriers and others. When our agency submitted a Request for Proposal for offender telephone services, we received responses from nine separate companies.

There is competition for this service; however, it is incumbent upon us to utilize a competitive bid process to obtain the best service for our institutions. In reviewing comments from other states, I am sure we are not the only state who chose our provider considering a number of factors such as grade of service, rates no higher than the local/dominant carriers, and no surcharges.

COMMENTS OF CITIZENS UNITED FOR REHABILITATION OF ERRANTS

In response to the comments of Citizens United for Rehabilitation of Errants (CURE), we agree that telephone contact with family and friends by offenders is a benefit for all. Unfortunately, not all calls by offenders are friendly or family oriented. The telephones are used to perpetuate criminal activity, normally with outside accomplices.

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In addition, equipment currently being provided by the telephone service provider will have to be replaced with customer-owned equipment. In this scenario, plain old telephone sets, a minimum number of telephones, limited calling time, and continuous officer supervision during calls will become the norm once again and would not benefit CURE or the correctional facilities.

In our state, the offenders are just as likely to be housed outside the Local Access and Transport Area their families live in as within the Local Access and Transport Area. Local and intra-Local Access and Transport Area calling does not constitute the majority of offender calls. The term "lucrative" is used (page 7) referencing local/intra-Local Access and Transport Area calls provided to the local telephone companies. It appears further studies need to be accomplished including rate comparisons between local-serving companies and long-distance carriers providing intra-Local Access and Transport Area calls before a decision is made in this Rulemaking matter.


GENERAL REPLY TO COMMENTS

The entities in favor of Billed Party Preference all discuss fraud in their comments as relating to uncollectible charges. When Corrections discusses fraud, it is relating to fraudulent/criminal acts committed by offenders; one method being through the use of telephones. The telephone service provider is legally and financially responsible for uncollectibles.

It seems the local-serving telephone companies will be in control of routing and the recipient of any revenues generated by collect calls, yet even they do not agree on whether or not Billed Party Preference should be adopted. They also have differing opinions on whether offender services should be exempted or not.

The Washington State Department of Corrections supports the resolution being forwarded to you opposing the Billed Party Preference proposal and respectfully urges that you exempt offender telephone services.

Sincerely,



Margaret Vonheeder, Director
Division of Management and Budget

MV:ss

The Honorable James H. Quello

The Honorable Andrew C. Barrett

The Honorable Rachelle B. Chong

The Honorable Susan Ness

Mr. Chase Riveland, Secretary, Washington State Department of Corrections

Ms. Patria Robinson-Martin, Assistant to the Secretary, Department of Corrections